

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1225
92ND GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety May 5, 2004, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1225 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

4398L.03C

AN ACT

To repeal sections 84.160, and 86.223, RSMo, and to enact in lieu thereof seventeen new sections relating to police officers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 84.160, and 86.223, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 84.160, 86.223, 86.949, 86.952, 86.955, 86.958, 86.961, 86.964, 86.967, 86.970, 86.973, 86.976, 86.980, 86.985, 86.991, 86.994, and 488.028, to read as follows:

84.160. 1. Based upon rank and length of service, the board of police commissioners may authorize maximum amounts of compensation for members of the police force in accordance with the following tables. The amounts of compensation set out in the following tables shall be the maximum amount of compensation payable to commissioned employees in each of the categories, except as expressly provided in this section.

2. From July 1, [2002] **2004**, until June 30, [2003] **2005**:

SALARY MATRIX-POLICE OFFICER THROUGH CHIEF OF POLICE-FISCAL YEAR

	P.O.	Sgt.	Lieut.	Capt.	Maj.	Lt.Col.	Asst. Chief	Chief
Yrs.	Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary
[0	32981							
1	34182							
2	35293							
3	37356							

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

4	38377							
5	39703	4809						
6	41029	48241						
7	43573	51200	56276					
8	45398	53329	58605					
9	47288	55528	61011	66443				
10	47457	55695	61178	66611				
11	47985	55863	61344	66779	73020			
12	48161	56029	61513	66946	73188	75129	79038	93704
13	48327	56197	61680	67114	73353	77673	81582	94037
14	48493	56365	61847	67280	73521	77839	81749	94371
15	48662	56531	62014	67447	73688	78008	81918	94705
16	48828	56698	62180	67614	73856	78174	82083	95040
17	48997	56866	62349	67782	74024	78343	82252	95374
18	49163	57033	62516	68019	74189	78508	82418	95707
19	49329	57200	62684	68116	74357	78675	82584	96043
20	49497	57367	62850	68283	74525	78843	82754	96378
21	49664	57533	63017	68450	74692	79010	82919	96711
22	49831	57702	63185	68617	74858	79179	83087	97045
23	49999	57869	63352	68785	75025	79344	83254	97380
24	50165	58035	63520	68952	75192	79514	83421	97712
25	50333	58203	63686	69120	75361	79679	83590	98048
26	50500	58369	63853	69287	75528	79846	83755	98383
27	50669	58538	64021	69453	75694	80015	83923	98718
28	50835	58705	64188	69621	75860	80180	84088	99052
29	51001	58871	64353	69788	76029	80349	84257	99384
30	51168	59039	64522	69953	76196	80514	84426	99720]
0	34481							
1	35682							
2	36793							
3	38856							
4	39877							
5	41203	49595						
6	42529	49741						
7	45073	52700	57776					
8	46898	54829	60105					
9	48788	57028	62511	67943				
10	48957	57195	62678	68111				
11	49485	57363	62844	68279	74520			
12	49661	57529	63013	68446	74688	76629	80538	95204
13	49827	57697	63180	68614	74853	79173	83082	95537
14	49993	57865	63347	68780	75021	79339	83249	95871
15	50162	58031	63514	68947	75188	79508	83418	96205
16	50328	58198	63680	69114	75356	79674	83583	96540
17	50497	58366	63849	69282	75524	79843	83752	96874
18	50663	58533	64016	69519	75689	80008	83918	97207

19	50829	58700	64184	69616	75857	80175	84084	97543
20	50997	58867	64350	69783	76025	80343	84254	97878
21	51164	59033	64517	69950	76192	80510	84419	98211
22	51331	59202	64685	70117	76358	80679	84587	98545
23	51499	59369	64852	70285	76525	80844	84754	98880
24	51665	59535	65020	70452	76692	81014	84921	99212
25	51833	59703	65186	70620	76861	81179	85090	99548
26	52000	59869	65353	70787	77028	81346	85255	99883
27	52169	60038	65521	70953	77194	81515	85423	100218
28	52335	60205	65688	71121	77360	81680	85588	100552
29	52501	60371	65853	71288	77529	81849	85757	100884
30	52668	60539	66022	71453	77696	82014	85926	101220

3. Each of the above-mentioned salaries shall be payable in biweekly installments. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. No additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of sergeant or above. Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:

(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or

(2) Be violative of any federal law or other state law.

4. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

5. The board of police commissioners shall pay additional compensation for all hours of service rendered by probationary patrolmen and patrolmen in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

6. Probationary patrolmen and patrolmen shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds

forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

7. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

8. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for field training officer and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

9. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department. Health, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired officers and employees of the police department who receive pension benefits pursuant to sections 86.200 to 86.364, RSMo, at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. The board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

11. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated unused vacation time.

86.223. [Each trustee shall be entitled to one vote in the board. Six votes shall be necessary for a decision by the trustees at any meeting of the board.] **Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on the majority vote of the trustees present.**

86.949. As used in sections 86.949 to 86.994, unless the context clearly indicates that a different meaning is intended, the following terms shall mean:

(1) "Annuity", annual payments made in equal monthly installments to a member from funds provided for, in, or authorized by sections 86.949 to 86.994;

(2) "Annuity system" or "system", the police chief's and officer's annuity system authorized by sections 86.949 to 86.994;

(3) "Board of directors" or "board", the board of directors established in sections 86.949 to 86.994;

(4) "Creditable membership service", service as a police chief or a police officer of an eligible municipality or as a deputy sheriff after becoming a member that is creditable in determining the amount of the member's benefits under this system;

(5) "Effective date of the establishment of the system", the date the governor declares the system established pursuant to section 86.958;

(6) "Employee", any full-time police chief or police officer of a municipal police department in this state, including the Kansas City police department, the St. Louis police department, and the St. Louis County police department, and any full-time deputy sheriff in this state;

(7) "Member and eligible members", any active police chief, police officer, or deputy sheriff of the system; any former police chief, police officer, or deputy sheriff receiving retirement benefits from the system; any former police chief, police officer, or deputy sheriff that is vested in the system but is not receiving benefits; any police chief, police officer, or deputy sheriff on disability leave; and for the purposes of section 86.961, any police chief or police officer who is employed full time by an eligible municipality or any deputy sheriff who is employed full time by a county;

(8) "Municipality or eligible municipality", each municipal police department in this state, including the Kansas City police department, the St. Louis police department, and the St. Louis County police department;

(9) "Prior service", the total years of full-time licensed and commissioned law enforcement service.

86.952. There is hereby established a "Police Chiefs' and Officers' Annuity Fund" which shall be under the management of a board of directors described in section 86.958. The board of directors shall be responsible for the administration and the investment of the funds of such retirement fund. Neither the general assembly nor the governing body of a county shall appropriate funds for deposit in the fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 86.949 to 86.994, the board shall proportion the benefits according to the funds available.

86.955. 1. Beginning August 28, 2004, the following surcharge for police chiefs, police officers, and deputy sheriffs shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of seven dollars in all criminal cases filed in the courts of this state including violation of any county or municipal ordinance, or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

(2) The clerk responsible for collecting court costs in municipal criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026, RSMo. Such funds shall be payable to the police chiefs' and officers' annuity fund created under section 86.952, and shall be used only for the purposes provided for in sections 86.949 to 86.994 and for no other purpose.

2. The board may accept gifts, donations, grants, and bequests from public or private sources to the police chiefs' and officers' annuity fund.

86.958. 1. The general administration and the responsibility for the proper operation of the fund and the investment of the fund are vested in a board of directors of six persons. Three directors shall be either elected or appointed chiefs of police who are members of the Missouri police chiefs' association, three of the directors shall be appointed full-time municipal police officers who are members of a state fraternal order of police, and one of the directors shall be a member of the house committee on retirement. The three police chief directors shall be elected by a secret ballot vote of the police chiefs of the municipalities. The three police officer or deputy sheriff directors shall be elected by a secret ballot vote of police officers under the rank of chief and deputy sheriffs. The director from the house committee on retirement shall be appointed by the speaker of the house. Directors shall be chosen for terms of four years from the first day of January; except that the members of the first board shall be appointed by the governor by and with the consent of the senate. Upon completion of the appointment of the board, the governor shall declare the system established. It shall be the responsibility of the initial board to establish procedures for the conduct of future elections of trustees and such procedures must be approved by a majority vote by secret ballot of the police chiefs, officers, and deputy sheriffs. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees, and agents to fully and effectively carry out all the purposes of sections 86.949 to 86.994.

2. The board of directors shall elect one of their members as chair and one of their members as vice chair and may employ an administrator who shall serve as secretary to the board. The board shall hold regular meetings at least once each quarter. Other meetings may be called as necessary by the chair. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of directors shall retain an actuary as technical advisor to the board of directors and an investment counsel to be an investment advisor to the board, and the board of directors shall arrange for annual audits by a certified public accountant.

4. The board of directors shall serve without compensation for their services as such; except that each director shall be paid for any necessary expenses incurred in the performance of duties authorized by the board.

5. The board of directors shall be allowed administrative costs for the operation of the system.

6. The board shall keep a record of its proceedings which shall be open to public inspection and shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions, and financial solvency tests.

7. Notwithstanding any other provisions of law to the contrary, after the expiration of the terms of the board of trustees or directors holding office on January 1, 2005, the directors elected as successors to those directors holding office on January 1, 2005, shall be elected to staggered terms of four years each in the following manner: two directors shall be elected for a two-year term with their successors being elected to four-year terms and three directors shall be elected for a four-year term. The procedures for such elections and the designation of which terms will initially be two-year terms and which will be four-year terms shall be established solely by the board of directors of the police chiefs' and officers' retirement system. Three directors shall be elected by a secret ballot vote of the active and eligible police chiefs and two directors shall be elected by a secret vote of the active and eligible police officers with a rank less than chief. Beginning with the election of directors under the provisions of this subsection, at least one but not more than two of the directors may be a retired member of the police chiefs' and officers' retirement system; except that any vacancies occurring on the board after all members have been duly elected shall be filled by the board and such appointed members shall serve until the next regularly scheduled election for such filled position.

8. Notwithstanding any provision of law to the contrary, any board member who was elected to the board as an active member representative and becomes a retired member of the system after such election shall, with the approval of the board, continue to serve on the board as an active member representative until the next regularly scheduled election for that position.

86.961. On and after the effective date of the establishment of the system, as an incident to his or her employment or continued employment, each person employed full time as an elected marshal or chief of police, appointed chief of police, or police officer of a municipality, or deputy sheriff of a county, shall become a member of the system upon their enrollment as a member of the system and their first monthly contribution payment of twenty dollars. Such

membership shall continue as long as the person continues to be an employee in a municipal police department or in a sheriff's office, continues to make their monthly contribution, or is eligible to receive benefits under the provisions of sections 86.949 to 86.994.

86.964. Any member who has ten years or more of creditable membership service and a minimum of ten years of prior service as police chief or police officer of an eligible municipality or as a deputy sheriff of a county may receive a normal annuity or who has five years or more of creditable membership service and a minimum of fifteen years of prior service as police chief or police officer of an eligible municipality or as a deputy sheriff may receive a normal annuity. If a member seeks to retire prior to the minimum five years of creditable membership service that has fifteen years of creditable service and is at least fifty-five years of age, but continues to make their contribution payments, that member shall be eligible for a normal annuity. If a member which is receiving benefits passes away then the payments shall continue for the remainder of the five-year benefit period to the member's beneficiary.

86.967. The normal annuity of an activated member shall be five hundred dollars per month for a benefit period of five years. The anticipated sum of all such payments during the year, plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years, shall not exceed the anticipated moneys credited to the system pursuant to section 86.955. The money amount granted shall be continued to any survivor determined and officially documented by each member upon enrollment and may be revised by official notification. In no case shall any member receive benefits of this program prior to the age of fifty-five.

86.970. For the purpose of calculating benefits of a member, creditable membership service years of service as a member of the program and twelfths of a year are to be used.

86.973. Any eligible police chief, officer, or deputy sheriff who becomes a member of the system on the effective date of the establishment of the system shall be given credit for eligible prior service up to fifteen years. All such prior service must be established to the satisfaction of the board.

86.976. Any member may retire at any time after the end of the month during which the member becomes eligible to retire under the provisions of section 86.964 and upon the member's submission of a written application to the board setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing of the application, the member desires to be retired. The payment of the annuity, subject to the provisions of section 86.994, shall begin as of the first day of the calendar month coincident with or next following the date specified by the member and shall conclude upon the passage of five complete years.

86.980. A death benefit of ten thousand dollars shall be paid to the designated beneficiary of every active member upon his or her death or to his or her estate if there is no designated beneficiary, if the member is killed in the performance of his or her duty.

86.985. 1. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee and completing creditable membership service as set forth in section 86.961.

2. Absences for sickness or injury of less than twelve months shall be counted as membership service.

86.991. The benefits provided for by sections 86.949 to 86.994 shall in no way affect any person's eligibility for retirement benefits under the local government employees' retirement system under sections 70.600 to 70.755, RSMo, or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or reducing compensation or mileage reimbursement of employees.

86.994. Annuity payments to retired employees under the provisions of sections 86.949 to 86.994 shall be available beginning January first next succeeding the expiration of five calendar years from the effective date of the establishment of the system to eligible retired employees.

488.028. 1. As provided by section 86.955, RSMo, there shall be assessed and collected a surcharge of seven dollars in all municipal criminal cases filed in the courts of this state, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including infractions, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court or against any person who has pled guilty and paid their fine pursuant to subsection 4 of section 476.385, RSMo. For purposes of this section, the term "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the police chiefs' and officers' annuity fund created under section 86.952, RSMo.